

## REMARKS

In an Office Action mailed on April 17, 2009, claims 1, 2, 3, 6 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dedrick in view of Candalore; claims 12-15 and 19-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dedrick in view of the PNG Specification, Version 1.0 and Candalore; claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Dedrick in view of the PNG Specification, Version 1, Candalore and further in view of Bauminger; and claims 7-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dedrick, Candalore and Robertson. In this Reply, claims 12 and 19 have been amended. Accordingly, claims 1-3, 5-9, 12-16 and 19-21 remain pending.

### Claims 1, 2, 3, 6 and 9

Claims 1, 2, 3, 6, and 9 stand rejected as being obvious in view of Dedrick in combination with Candalore. This rejection is respectfully traversed, and reconsideration of these claims is requested.

Independent claim 1 recites a method comprising transmitting video content and transmitting a viewer incentive in association with the content, such that the incentive accumulates depending on viewing time. Claim 1 further requires electronically posing a question in the course of transmitting the video content to determine whether the viewer is actually watching the content and only accruing the incentive when the viewer is actually watching the content.

With respect to claim 1, the Examiner has asserted that Dedrick discloses all of the limitations except for electronically posing a question. In formulating this rejection, the examiner has stated that Dedrick's method of transmitting image data in a serial data stream "reads on the claimed transmitting a viewer incentive image (electronic advertisement including a redeemable coupon) over time in association with the video content (television program). In order to receive all the packets for a particular image, the user must be tuned to the channel carrying the data for a sufficient duration of time. This reads on the claimed incentive images accumulating depending on viewing time" Office action at pp. 3-4.

It is respectfully submitted that the Examiner is importing limitations into claim 1 that are not present. More specifically, claim 1 recites transmitting an *incentive* such that it accumulates depending on viewing time, where the incentive accrues when it is determined that the viewer is actually viewing the content. It does not recite transmitting an *image* that accumulates

depending on viewing time. An image of an incentive and the incentive itself are different things. Whether an incentive is transmitted such that *that incentive* accumulates based on viewing time is not necessarily dependent on whether the image of that incentive accumulates based on viewing time. Accordingly, it is respectfully submitted that at least this limitation is missing from Dedrick.

Candelore also does not disclose an incentive that is transmitted in association with video content such that that incentive accumulates depending on viewing time. Accordingly, Candelore does not compensate for the limitations missing from Dedrick.

As such, it is respectfully submitted that, because Dedrick and Candelore, alone or in the proposed combination, do not teach or suggest all of the limitations of claim 1, a *prima facie* ease of obviousness of claim 1 has not been established. Claims 2, 3, 6 and 9 are variously based on claim 1 and thus are patentably distinguishable over Dedrick and Candelore for at least the same reasons as discussed above with respect to claim 1, as well as for the additional limitations recited in those claims. Accordingly, withdrawal of the rejection and reconsideration of claims 1, 2, 3, 6 and 9 are respectfully requested.

#### **Claims 12-15 and 19-21**

Claims 12-15 and 19-21 stand rejected as being unpatentable over Dedrick in view of the PNG Specification and Candelore.

With respect to amended claim 12, it recites (among other limitations) a computer readable medium storing instructions that enable a processor-based system to transmit video content and transmit incentive image portions corresponding to complete image sections of a viewer incentive image in association with the video content, such that the complete image sections accumulate depending on the viewing time. Claim 12 further recites that the system delays display of the complete incentive image by enabling complete image sections to be displayed without displaying the complete incentive image, the extent to which the incomplete image is displayed in the form of the complete image sections being dependent on the time spent viewing video content.

With respect to Dedrick, Dedrick simply discloses streaming image data serially. Dedrick does not, however, disclose transmitting image portions that correspond to complete image sections of an incentive image such that the complete image sections accumulate over

time. Dedrick also does not disclose delaying display of the complete incentive image by enabling to be displayed the complete image sections without displaying the complete image.

The PNG Specification does not compensate for Dedrick's deficiencies in this regard. More particularly, the PNG Specification discloses progressive display of a bitmap image, where the progressive display begins with a low resolution display of the entire image and transitions to a higher resolution display of the entire image. In other words, the PNG Specification does not disclose or suggest transmitting *image sections* of an incentive image that accumulate based on viewing time, where the image sections are *complete* image sections, as recited in claim 12. The display of a low resolution version of the entire image also does not correspond to enabling to be displayed complete image sections without displaying the complete image, as recited in claim 12. In addition, the PNG Specification does not teaching delaying display of the complete incentive image by enabling the complete sections to be displayed without displaying the complete image, since the low resolution image is an *incomplete* version of the complete image. It is not a complete image section of a complete image, as recited in claim 12. Moreover, with respect to this latter limitation, the PNG Specification teaches away from imposing any delay since its goal is to view the image as quickly as possible by first providing a low resolution image that is "very quickly followed by gradual improvement of detail." (PNG Specification at p. 1). Accordingly, the limitations of claim 12 that are missing in Dedrick are also missing from--and not in the least suggested by--the PNG Specification.

Candelore, which discloses a system for transmitting digital coupons, also does not disclose these missing limitations. More specifically, it does not disclose or suggest transmitting complete image sections of an incentive image or delaying display of the complete incentive image by displaying the complete sections without displaying the complete incentive image.

Based on the foregoing, it is respectfully submitted that a *prima facie* case of obviousness of claim 12 in view of Dedrick, the PNG Specification and Candelore--alone or in any combination--has not been established for at least the reasons that (1) limitations recited in claim 12 are entirely missing from all three references and (2) no reason has been shown to combine the references in any manner that would result in the claimed invention, particularly since the PNG Specification teaches away from imposing a delay. Accordingly, withdrawal of the rejection of claim 12, and its dependent claims 13-15, is respectfully requested.

With respect to independent claim 19, it recites a system that comprises (among other limitations) a transmitter to transmit video content and ancillary information and to delay display of a complete viewer loyalty incentive image by transmitting complete image portions of a viewer loyalty incentive image over time so that the complete portions accumulate based on viewing time to create the complete incentive image. Claim 19 further recites that the complete portions are viewable without viewing the complete image, and the portion of the complete image in the form of the complete image portions that is viewable is dependent upon the amount of time spent viewing the video content.

Neither Dedrick, the PNG Specification, nor Candelore---alone or in any combination---teaches or discloses all of the limitations recited in claim 19. As discussed above, none of the references discloses or suggests delaying display of the complete image by transmitting complete image portions of the incentive image that accumulate over time. In addition, none of the references teaches or suggests that the transmitted complete portions of the image can be viewed without viewing the complete image. Yet further, no reason exists that would have led one skilled in the art to combine the references in the manner suggested by the examiner, particularly since the PNG Specification teaches away from imposing any delay in the display of the incentive image. Accordingly, it is submitted that a *prima facie* case of obviousness of claim 19 in view of these references has not been established. As such, withdrawal of the rejection of claim 19 is respectfully requested.

Claims 20 and 21 are based on claim 19 and thus are patentably distinguishable over Dedrick, the PNG Specification and Candelore for at least the same reasons discussed above with respect to claim 19. Accordingly, withdrawal of the rejection of those claims also is requested.

#### **Claim 5**

Claim 5 stands rejected as being obvious in view of Dedrick and Candelore and further in view of Bauminger. This rejection is respectfully traversed.

Claim 5 depends from claim 1. The deficiencies of Dedrick and Candelore with respect to claim 1 have been discussed above. Bauminger does not compensate for those deficiencies since it also does not teach or suggest transmitting an incentive such that that incentive accumulates depending on view time. As such, a *prima facie* case of obviousness has not been

established, and withdrawal of the rejection of claim 5 and reconsideration of claim 5 are respectfully requested.

**Claim 16**

Claim 16 stands rejected as being obvious in view of Dedrick and the PNG Specification and Candelore and further in view of Bauminger. Claim 16 is based on independent claim 12. The deficiencies of Dedrick, the PNG Specification and Candelore with respect to claim 12 have been discussed above. It is respectfully submitted that Bauminger does not compensate for any of those deficiencies. As such, it is submitted that a *prima facie* case of obviousness of claim 16 also has not been established for at least the same reasons, and withdrawal of the rejection of claim 16 is requested.

**Claim 7-8**

Claims 7-8 stand rejected as being unpatentable over Dedrick, Candelore and Robertson. This rejection is respectfully traversed. Claims 7-8 are based on independent claim 1. The deficiencies of Dedrick and Candelore with respect to claim 1 have been discussed above. Robertson does not compensate for any of those deficiencies. According, a *prima facie* case of obviousness has not been established with respect to claims 7-8 for at least the same reasons as discussed above with regard to claim 1. As such, withdrawal of the rejection and reconsideration of claims 7-8 are respectfully requested.

**Conclusion**

Based on the foregoing, it is believed that the pending claims are allowable over the references of record and in condition for allowance. Accordingly, a notice to that effect is requested. Should the examiner believe that a telephonic interview would help speed this application towards allowance, the examiner is invited to contact the undersigned at the telephone number below.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0315US).

Date:

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Respectfully submitted,



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